

FARMINGTON CITY COUNCIL MEETING

October 7, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, Planning Director Glenn Symes, and Recording Secretary Kami Mahan.

Mayor Harbertson began discussion at 5:50 p.m. **Paula Alder** offered the invocation. The following items were reviewed:

(Agenda Item #5): Public Hearing: Consideration of Rezoning “Moon Park Subdivision” from Residential (R-2) to R.

[**David Hale** arrived at the meeting at 5:58 p.m.]

Mayor Harbertson informed the Council that the two Moon Park residents who objected to the rezoning never filed for building permits.

(Agenda Item #6): Brian and Alisa Buxton Request for partial fencing of Davis Creek Trail/Neighborhood Discussions.

Mayor Harbertson explained that the Buxtons presented a new proposal in which the existing fence is not removed, and they will pay half the cost for fencing to be completed along their property. They will also maintain the ten foot trail easement. **The Mayor** also said Nathan Hardy would like to remove the fence along his property, extend his yard to include the ten foot easement, and maintain the area.

Max Forbush said that the granting of a revocable permit may be best because the Buxtons do not want liability for the trail. He said they want privacy screening, but this raises a policy issue on trails. Screen fencing was partially installed by the City along the property, but the trail was installed after the Buxtons purchased the home. **Mayor Harbertson** pointed out that the yard is completely exposed, and that the ten foot easement has not been well maintained by the City.

Council members briefly discussed the fifty percent contribution and easement maintenance issues.

(Agenda Item #7): Review/Discussion of City Park Rules which permit band/concert events at City Parks.

Mayor Harbertson said that a complaint had been received concerning the extended time period of a band playing at Main Park on September 20th. He said the Parks & Recreation Department had not been informed of the purpose of the gathering, and the band was unaware of the two hour music limit. The Council discussed how to best change the existing practices in order to know what uses are intended and to control the use of the parks and details of sound amplification.

Max Forbush suggested that a site supervisor be used at band events to monitor and respond accordingly. **Mayor Harbertson** cautioned that freedom of speech needs to be considered. The Council discussed these issues.

(Agenda Item #8): Minute Motion Approving Summary Action List.

- **Ratification of Approvals of Construction Bond Agreements**
- **Approval of Change Order #2 on FY 09 Road Improvement Project**

Mayor Harbertson suggested adding Agenda Items #9 (Water Connection Agreement with Dick and Renee Hatch) and #10 (Resolution establishing Parks & Recreation Scholarship Program) to the Summary Action List since these matters have been discussed in detail recently.

(Agenda Item #10): Resolution establishing Parks & Recreation Scholarship Program to offset costs for program user fees.

The Council briefly discussed ways to increase donations for this program.

(Agenda Item #11): Second Amendment to Somerset Homeowners Association Settlement Agreement pertaining to street lighting, drainage easements, and related matters.

Mayor Harbertson said that although the Somerset HOA has expressed its wish to delay the Settlement Agreement pending advice from a consultant, the Agreement could still be approved.

(Agenda Item #12): Resolution pertaining to the payment of cash deposits to encourage volunteerism from participating families in City Performing Arts Programs.

The Mayor said this item has been reviewed.

(Agenda Item #13): Request for Approval to fund concrete retaining wall at west end of new police Station to preserve accessibility to City's culinary water well pump house.

Mayor Harbertson explained that a retaining wall is needed on the new Police Station site to allow for greater accessibility for water management and supply trucks. He said it has been proposed that the Council contingency fund be used to pay for this additional work. **Sid Young** suggested that the contingency fund be discussed during the Budget Review.

Although Council members said they had looked at the site, a field trip to the area was suggested for the next City Council meeting. The exterior brick on the new building was briefly discussed.

Miscellaneous Items

Max Forbush stated that a public hearing will be held on October 21st regarding the Farmington Ranches neighborhood park master plan.

The Mayor announced that the groundbreaking for Zions' Bank will be Friday, October 10th at 2:00 p.m.

Mr. Forbush reported on a meeting held with the City Engineer and the National Resource Conservation Service. He said that fill material being excavated from the Shepard Heights Subdivision can be hauled to an area with drainage problems in the Somerset Subdivision.

The Mayor reported that a meeting was held with Rich Haws concerning the Road to the North.

Paula Alder mentioned a citizen's concerns regarding the replacement of a tree which was removed in the Shepard Creek Parkway, and the signage for Shepard Creek Parkway, which currently says "1075 West."

The Council discussed citizen response to how traffic is working in the Shepard Creek Parkway area where the stop signs were removed.

Open Discussion with County Commissioners

The City Council moved into the Council chambers at 6:30 p.m. for an open meeting with the Davis County Commission. Commission Chair **Louenda Downs**, Vice Chair **P. Bret Millburn**, and Commissioner **Alan Hansen** were present to answer questions from citizens.

Mayor Harbertson reported that despite the current economic problems, development in the City is progressing well, and he added that the Hampton Inn chain is planning to build a hotel on Park Lane.

Sid Young and **Max Forbush** reported on a meeting with one property owner who lives on the firebreak road, and said the owner will probably be willing to grant an easement.

Dave Hale expressed his appreciation of the County's master plan regarding the library.

The Old Courthouse County campus area was discussed by the Council and County Commission.

Mayor Harbertson had everyone present introduce themselves.

Drainage issues were discussed, and **Louenda Downs** explained that there are more drainage projects than money. She said the County is prioritizing and trying to be creative in funding projects.

Farmington resident **Art Parmley** expressed concerns with roads in the City, particularly the S curve by the post office, and said he believes things will never work and no one cares. **Louenda Downs** responded that the County is dealing with the property tax issue, and that a two year plan is being implemented. She said when citizens contact the County with concerns and are informed of the facts, they are usually surprised at what is being accomplished. What is being done is sometimes not known by citizens. She said the County is attempting to do as much as possible with limited funds.

Events being held to sustain the Fairgrounds were discussed.

Max Forbush said that if government entities do not work together there is waste, and he applauds the County and City working together to solve problems. He appreciates the continuing dialog and the downtown master plan discussion group, and said this communication has had a positive effect on economic development. He said there is far less fighting among the different agencies than in past years. **Louenda Downs** said this cooperation is beneficial to agencies and citizens. She said people want to see more rapid progress, but in hind sight the progress will be obvious.

The meeting adjourned at 7:03 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:05 p.m. **David Hale** offered the invocation. The Pledge of Allegiance was led by **Caden Anderson** of Scout Troop 453.

APPROVAL OF MINUTES (Agenda Item #2)

The Council reviewed the minutes of the September 16, 2008, City Council meeting.

Motion

Sid Young moved to approve the minutes of the meeting held September 16, 2008. **Paula Alder** seconded the motion, which passed unanimously.

TRAILS ADVOCATE OF THE YEAR PRESENTATION - GEORGE CHIIPMAN & MAYOR HARBERTSON. (Agenda Item #3)

Anne Martinez, who recently stepped down as a Charter member of the Trails Committee, was presented the Trails Advocate of the Year service award plaque by **Mayor Harbertson** and Trails Committee Chairman **George Chipman**. **Mr. Chipman** reviewed **Anne Martinez's** background of working on the Trails Committee.

Ms. Martinez expressed her appreciation for the support of the City Council, the community, the Planning Commission, the City Manager, and the Scouts.

In response to a request by **David Hale**, **George Chipman** reported that there were a total of 89 miles of trails in the community (including the new Legacy trail), 24 of which were outside of the City limits. He said this is probably the highest number of trail miles per capita of any community in Utah.

Mayor Harbertson welcomed YCC member **Sidney Gibson**.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes reported proceedings of the Planning Commission meeting held September 25, 2008. He covered the following items:

- **Mr. Symes** explained that staff has been reviewing the zoning throughout the City, starting with the north half. The Planning Commission recommended approval of zone changes in the following subdivisions: Somerset Hollow, Somerset III, Somerset Farm, Shepard Creek Country Estates, Farmington Orchards, Quail Run, and Oakridge Farms. Approval of other subdivisions will come before the City Council in two weeks.
- The Planning Commission recommended approval of a conditional use permit for a home remodeling on 200 East. **Mr. Symes** said the plans reflect the recommendations made by the Historical Preservation Commission.
- Scenic Byway regulations will be addressed in City Council soon.

- The definition of “family” is being reviewed by the Planning Commission.

(PUBLIC HEARING): CONSIDERATION OF REZONING “MOON PARK SUBDIVISION” FROM RESIDENTIAL (R-2) TO R. (Agenda Item #5)

Mayor Harbertson introduced this Agenda item. **Glenn Symes** displayed an overhead map of the Moon Park Subdivision, and said that residents had approached the City with a petition in favor of a rezoning. The petition had been signed by all but two of the subdivision residents. **Mr. Symes** said that “R” zoning was chosen because of the lot size in the area, and the City wants as few legal non-conforming lots as possible. The Planning Commission has recommended approval.

Public Hearing

Mayor Harbertson opened the public hearing at 7:22 p.m.

R.J. Barnes, 733 Moon Circle, read a letter from Geri Allen, 736 Moon Circle, who was unable to attend the meeting. The letter requested that the City Council assign a designation of R so that the zoning would be in harmony with the protective covenants of the subdivision.

Mr. Barnes stated that one of the two dissenting residents was a realtor whose home was being sold and would close on Thursday. He expressed thanks to the City for addressing drainage and improvements in the Moon Park subdivision. He said the protective covenants were still in effect, and he is glad to have the zoning reflect these covenants.

The hearing was closed at 7:25 p.m.

Mayor Harbertson said he researched whether either of the two dissenting residents had applied for secondary dwelling building permits, and that neither had. He said R-2 zoning was the most restrictive available when the subdivision was created, and the change to R reflects the intent of the zoning and protective covenants at that time.

Motion

Cory Ritz moved to adopt the ordinance rezoning “Moon Park Subdivision” from Residential (R-2) to R. **David Hale** seconded the motion, which passed unanimously.

BRIAN AND ALISA BUXTON REQUEST FOR PARTIAL FENCING OF DAVIS CREEK TRAIL/NEIGHBORHOOD DISCUSSIONS. (Agenda Item #6)

Mayor Harbertson said this item was discussed in a previous work session. He explained that there is no screening along the trail backing the Buxton property. He said only partial fencing

was installed and that the owners have proposed paying half the cost of completion of the fence. The Buxtons will also assume maintenance on the City-owned ten foot drainage easement which sits on a dike. **The Mayor** said five homes are affected but only two need fencing because the others are screened by vegetation. He added that the other owners have not approached the City with a proposal. He noted that this proposal would save the City money.

Cory Ritz questioned if the agreement would run in perpetuity if the property was sold. **Max Forbush** said this provision could be included in the agreement. Council members agreed that there should be legal review of this issue, and **Max Forbush** said a source of funds was available to pay the City's share on the fence.

Motion

David Hale made a motion to approve the proposed partial fencing, with the City and the Buxtons each paying half of the cost, and the Buxtons would maintain the ten foot trail easement in perpetuity by a recorded agreement. The motion was seconded by **Sid Young** and was unanimously approved.

Sid Young and **David Hale** reiterated the need to have legal review of the agreement.

Mayor Harbertson explained that Nathan Hardy, who lives at the other end of the area, has a rock portion of the dike on his property. Mr. Hardy wants to remove the fence in order to extend his property to include the ten foot easement, which he will maintain. **The Mayor** clarified that Mr. Hardy is prohibited from building or having anything on top of the sewer rock, since this would interfere with drainage.

Motion

A motion was made by **David Hale** to authorize Nathan Hardy to remove the fence along his property and expand and maintain the area. **Paula Alder** seconded the motion, which passed by a unanimous vote.

REVIEW/DISCUSSION OF CITY PARK RULES WHICH PERMIT BAND/CONCERT EVENTS AT CITY PARKS. (Agenda Item #7)

Mayor Harbertson explained that neighbors near Main Park complained about loud music being played at the park for an extended period of time on September 20th. He said when the permit was filed, the Parks and Recreation Department were unaware of the band.

The Mayor said the ordinance states that a City park can have two of these type of events per year, and band music is limited to two hours. Sound amplification cannot be abusive. He said

the ordinance needs revamping to address these problems, as well as to include funding for a site supervisor during these activities. **The Mayor** also said the City Manager will have staff review these issues and return to the Council with a proposal.

Paula Alder pointed out that this limitation does not include City events.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #8, #9 AND #12)

- **Ratification of Approvals of Construction Bond Agreements**
- **Approval of Change Order #2 on FY 09 Road Improvement Project**
- **(Agenda Item #9) Water Connection Agreement with Dick and Renee Hatch who reside at 1525 West Glover Lane in an unincorporated area**
- **(Agenda Item #10) Resolution establishing Parks & Recreation Scholarship Program to offset costs for program user fees**
- **(Agenda Item #12) Resolution pertaining to the payment of cash deposits to encourage volunteerism from participating families in City Performing Arts Programs (Agenda Item #12)**

Mayor Harbertson said that because Agenda Items #9, #10, and #12 have already been discussed in depth, they would be included on the Summary Action List.

Motion

David Hale moved to approve the Summary Action List. **Cory Ritz** seconded the motion, which passed unanimously.

SECOND AMENDMENT TO SOMERSET HOMEOWNERS ASSOCIATION SETTLEMENT AGREEMENT PERTAINING TO STREET LIGHTING, DRAINAGE EASEMENTS, AND RELATED MATTERS. (Agenda Item #11)

Mayor Harbertson said the HOA only received partial information on this Agenda item. He invited the Somerset HOA representative to address the Council.

Jim Hefner said the HOA wants to delay signing the agreement until they have consulted with a new property manager who is starting on November 1st. He said the consultant, who specializes in HOA's, believes the electric bills the residents are paying are excessive. **Mr. Hefner** said that according to his calculations, the City's current property tax rate is 15.57%, but that if it turns out this is wrong, they will sign the agreement.

Mayor Harbertson said he could sign the agreement, and the HOA can sign if and when they are ready.

David Hale made a motion to approve the additional bond. The motion was not seconded.

Max Forbush said they may need to make changes concerning the easement for the detention basin. He said another detention basin was discovered to the southwest of the one they want to expand, and both need to be considered in changing the system.

Jim Hefner inquired about drainage in the area, and said they would like to keep the culvert issue in the Somerset Hollow area separate from the street light reimbursement. **Mayor Harbertson** suggested delaying signing the agreement pending establishment of the easement, and the Council agreed. It was determined that no motion was necessary.

[Agenda Item #12 was handled with the Summary Action List.]

REQUEST FOR APPROVAL TO FUND CONCRETE RETAINING WALL AT WEST END OF NEW POLICE STATION TO PRESERVE ACCESSIBILITY TO CITY'S CULINARY WATER WELL PUMP HOUSE. (Agenda Item #13)

Mayor Harbertson stated that the City's water specialist determined that the height of the new Police Station has caused a six foot variance during construction. A concrete retaining wall is being proposed because of cost and to allow for greater accessibility to the site. Council contingency funds would be used to pay the cost.

Motion

Sid Young made a motion to authorize using \$8,500 from the City Council contingency fund for a concrete retaining wall. The motion was seconded by **Cory Ritz**, and passed with a unanimous vote.

MAYOR HARBERTSON'S REPORT (Agenda Item # 14)

Mayor Harbertson reported that three proposals are expected this Friday regarding Christmas lights.

The Mayor also reported on a meeting with Rich Haws concerning the Road to the North. **Max Forbush** added that the project is progressing well and that Traffic Engineer Tim Taylor will be performing a traffic study to determine the impact of left turns exiting Park Lane.

Mayor Harbertson reported on a meeting with Robert McConnell regarding the America West Development project.

CITY COUNCIL REPORTS (Agenda Item #15)

Paula Alder requested that Youth City Council members be allowed to present a report at City Council meetings occasionally. The Council agreed to do this quarterly. **Mayor Harbertson** asked that the City Manager be notified a day or two prior to a YCC report.

Sid Young requested volunteers from the City Council to attend the October 10th groundbreaking for Zion's Bank. **The Mayor, Cory Ritz, and David Hale** said they would attend. **Mr. Young** also raised the issue of open meeting policies, and that Farmington City communicate with any questioning agency that the open meeting laws are always met or exceeded. It's good for everyone to know that the City is open to the public and have public hearings even when one is not required.

David Hale reported on the mostly favorable citizen response to the 1075 West intersection changes. **Mr. Hale** also reported on a meeting with citizens and UDOT officials regarding the I-15 sound wall. The Council discussed the effectiveness of the walls.

Cory Ritz expressed appreciation for the striping on Glover Lane. He also raised the issue of citizens concerned with the possible sale of School District property to UDOT. **Mayor Harbertson** said that UDOT is trying to taper down to a State, rather than a federal EIS. **Max Forbush** said that UDOT is evaluating all alternatives, and he is pleased with UDOT's efforts to listen to the City's needs. He is particularly pleased with UDOT representative Randy Jeffries' attitude and approach. He said caution needs to be exercised in what citizens are promised because UDOT's ultimate decisions are still unknown.

MISCELLANEOUS Agenda Item #16)

a. Miscellaneous items.

- **Correspondence from Leo Foy re: 1075 West Shepard Lane**
- **Proposed Risk Management Incentives**

Max Forbush briefly referred to the letter from Mr. Foy.

Mr. Forbush said that as part of a commitment to URMMA to establish a goal for improving risk management, the City would like to promote incentives to reduce traffic accidents, which has been the most frequent area of losses. **Mr. Forbush** referred to the specific "Vehicle Safety" incentive proposals in the packet, and said he would like to review these proposals with staff and return with the issue at a later time. **Sid Young** felt that no bonus should be offered if even one accident occurs. **Mr. Forbush** stated that there is a \$5,000 insurance deductible for each accident. Max was directed to return with a revised incentive proposal.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #17)

Mr. Forbush said that a letter had been received from an attorney for Buffalo Ranches concerning the possible leasing of lots. **Mr. Forbush** said staff will review the issue but is doubtful this can be done, and will respond accordingly.

It was announced that a RDA Taxing Entity Committee meeting will be held next week.

ADJOURNMENT

Dave Hale moved to adjourn. **Paula Alder** seconded the motion, and the meeting adjourned at 8:15 p.m.

Margy Lomax, City Recorder
Farmington City